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# Worldwide Report

ENVIRONMENTAL QUALITY

No. 401

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14 June 1983

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No. 401

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# HIGH COURT GETS DAM ISSUE; TASMANIA IGNORES INJUNCTIONS

## Opening Arguments

Melbourne THE AGE in English 7 Apr 83 p 1

[Article by Stephen Mills]

[Text]

**CANBERRA.** — Work on Tasmania's Gordon-below-Franklin dam may continue for several weeks, despite the formal opening in the High Court yesterday of the legal battle over the future of the project.

The Commonwealth yesterday sought a permanent injunction seeking to prevent the Tasmanian Government from building the dam, on the ground that the State's decision to go ahead with its planned hydro-electric scheme is inconsistent with Federal regulation.

The Tasmanian Government lodged a writ seeking to overturn the regulations, claiming the work on the dam was not damaging or destroying the wilderness area in the south-west of the State.

The case is not expected to come to the court for argument and decision for some weeks, according to the Attorney-General, Senator Evans. Construction work can continue until the court makes its decision, although the Federal Government argues the work is now illegal.

Since the regulations became law, construction work has continued, with most activity outside the World Heritage area.

When the case does come to be argued, the New South Wales Government will seek leave to appear in support of the Federal Government's case. The NSW Premier, Mr Wran, said yesterday the Federal Government was entitled to expect that Tasmania would "honor its obligations" regarding the World Heritage listing.

The Queensland Premier, Mr Bjelke-Petersen, has already said his State will appear with Tasmania, to help protect the right of States to control their own development.

A spokesman for the Victorian

Premier, Mr Cain, said the State Government was "considering" joining New South Wales in its support for the Federal Labor Government.

The Prime Minister, Mr Hawke, wrote to the Premier of Tasmania, Mr Gray, asking him to suspend work on the dam until the legal proceedings were over. This would ensure irreparable damage would not be caused to any area placed on the World Heritage list, he said.

In its legal claim, the Commonwealth is asking the court for a permanent injunction against the Tasmanian Government, the Hydro-Electric Commission, and Mr Gray, restraining them from continuing the dam work.

The court is also asked to order Mr Gray to direct the Hydro-Electric Commission to stop work.

The court is asked to rule that the State law which directed the commission to build the dam in the environmentally sensitive area is now invalid, since it is inconsistent with regulations gazetted last week to the National Parks and Wildlife Act.

The area was nominated by the Commonwealth to the World

Heritage committee on the advice of the then Tasmanian Premier, Mr Lowe, and contains unique examples of Ice Age Aboriginal settlement, rare and imperilled flora and fauna, and is a rare and beautiful example of a glaciated area, the Commonwealth's claim states.

"By reason of the convention (for the protection of the world cultural and natural heritage) . . . Australia is bound to take appropriate legal measures necessary for the protection and conservation of the property (in the south-west)," it states.

"The works that have been carried out, and are proposed to be carried out, have already caused irreparable damage to the property and will cause further irreparable damage."

The Tasmanian Government disputes almost every point of the Commonwealth's preamble to its regulations, formulated last week. The regulations "purport" to apply to the National Parks and Wildlife Act. But the preamble is "incorrect and incomplete", the Tasmanian Government says.

The main points argued by the State Government include:

- Australia does not have relevant obligations under the World Heritage convention.

- Approval for the listing of the region on the World Heritage list, first given by Mr Lowe, was withdrawn in June 1982 by Mr Gray.

- Construction work was not damaging or destroying the property in its character as an item of world culture and natural heritage.

- The work being carried out does not endanger outstanding features of the area as defined by

the heritage convention.

## 'Not authorised'

The State also claims the regulations were not authorised by the National Parks and Wildlife Act, or if they were it was beyond the competence of the Federal Parliament so to legislate.

The Federal Government has not ruled out the possibility of asking the court for a temporary injunction which would, if granted, mean the High Court would immediately order a halt to construction.

The Federal Government is basing its case on the Koowarta decision of the High Court last year when, by a 4-3 majority, the court upheld the Commonwealth's constitutional power to make laws in line with international treaties it signs. In that case, the Commonwealth's external affairs powers were supported in their application to the Racial Discrimination Act.

Since that decision, two of the judges have left the bench — one from the majority argument and one from the minority. So the views of their replacements, Mr Justice Deane and Mr Justice Dawson, will be central to the decision.

The shadow Attorney-General, Senator Durack, yesterday said the Constitutional Convention, to meet later in April, should consider changes to the Constitution to ensure the Federal system survived in Australia.

If the external affairs power was applied in its widest sense, Parliament could legislate in so many areas federation would be destroyed, Senator Durack said.

## Spy-Plane Furor

Canberra THE AUSTRALIAN in English 11 Apr 83 p 1

[Article by Peter Dwyer]

[Text] AN RAAF Mirage jet took aerial photographs of construction at the Franklin Dam sites last week as part of the Federal Government's campaign to collect evidence on work there.

The Premier of Tasmania, Mr Gray, yesterday condemned the flight as an incredible act of spying.

"This is the first time that the Commonwealth has used defence on RAAF forces against a State and I think it is a provocative and most unnecessary act," Mr Gray said.

A spokesman for the RAAF confirmed the jet had made eight passes over the Franklin Dam sites on Thursday afternoon to take photographs.

"The RAAF exercise followed a request from the Attorney-General's Department," he said.

Meanwhile, a spokesman for the federal Attorney-General, Senator Evans, said the department was collecting evidence on construction at the sites in a variety of ways, and in co-operation with other departments.

A High Court battle between the Tasmanian and Federal Governments over the dam is expected within the next two weeks.

Mr Gray was told of the incident by Hydro-Electric Commission workers and contractors at the dam site who saw the jet survey the area.

They said the Mirage flew in

about 300m, just below cloud level, from the west to east above the Gordon River and then from south to north after circling.

They said the plane passed directly above the road construction works from Warners Landing, near the Gordon and the Hydro-Electric Commission camp at Sir John Falls on the opposite bank.

It twice repeated the procedure before flying over the site of the dam construction base camp at Crotty.

Mr Gray yesterday accused the Prime Minister, Mr Hawke, of deliberately spying on the Franklin Dam works.

After a Cabinet meeting in Hobart, which also discussed the national economic summit, Mr Gray said the incident was amazing considering the expressed attitude of Mr Hawke for consensus politics.

#### Federal Evidence-Gathering

Melbourne THE AGE in English 12 Apr 83 pp 1, 3

[Article by Simon Balderstone]

[Excerpt] CANBERRA--The Prime Minister, Mr Hawke, last night vetoed any further use of an RAAF Mirage fighter to gather photographic evidence for the Federal Government's High Court battle with Tasmania on the dams issue.

Mr Hawke's action is a rebuff to the Federal Attorney-General, Senator Evans, who requested last week's flight, which has further inflamed the row between Canberra and Tasmania.

But the Federal Government is continuing to use a team of Federal police and other officials in Tasmania to gather evidence of environmental damage being done to the World Heritage area of south-west Tasmania.

Australian Federal police officers took video-film of the dam site last Friday, using a privately chartered light aircraft to assess damage.

CSO: 5000/7575

## AUSTRALIA

### BRIEFS

QUEENSLAND 'GREENIES'--QUEENSLAND conservation groups have set up a "green alliance" to make political parties more aware of environmental issues. Group representative Ms. Elizabeth Bourne said the decision followed the success of the conservationists' campaigning during the last federal election. The aim was to make all political parties aware of the growing public concern for the environment and to respond to that concern by strengthening their environmental policies. Ms Bourne said the group would obtain the environment policies of all the major political parties and then make an assessment to see where improvements could be made. She said the conservation movement was concerned at the lack of effective environmental legislation and land use planning procedures in Queensland. There was also concern about specific issues such as rainforests. [Brisbane THE COURIER-MAIL in English 11 Apr 83 p 10]

CSO: 5000/7575



# PAPER APPEALS FOR TRUE ACTION ON CONSERVATION MEASURES

Bridgetown BARBADOS ADVOCATE in English 30 Apr 83 p 4

[Editorial]

[Text]

A Government appeal to save sea turtles from extinction is another indicator of the need for a positive and unrelenting conservation programme — not only in this area, but also in every aspect of the environment.

The Fisheries Department has issued an appeal to fishermen not to capture sea turtles from July to October, their breeding season, since the three species — Green, Hawksbill and Loggerhead — are in danger of extinction.

The Fisheries Department also urged Barbadians not to disturb nesting turtles or take their eggs at any time. It said that it was only through public co-operation that the endangered species could be saved.

The Government also issued a reminder to fishermen that it is unlawful to take turtles' eggs, to capture, or set gear to capture turtles within 100 yards from shore at any time of the year.

It is also illegal to buy or sell turtles weighing less than 30 pounds. The penalties for breaking these laws include fines and the seizure of boats or fishing gear. A spokesman for the Fisheries Department said that in view of the fact that the sea turtles are endangered species, these laws will be strongly enforced.

The appeal and the threat of firm punitive action for infringements serve to focus attention on the problem, but like

most other action of the same kind will be ineffectual.

Few Barbadians are aware that there is a limit on the size of turtle that can be bought or sold or that there are legal restrictions on taking turtles' eggs or setting gear (usually nets) to catch turtles.

There are more laws relating to other marine species around the shores of Barbados, but like those relating to turtles they are more noticeable in the breach than in the observance. There are laws with severe penalties forbidding the dynamiting of fish, but the dangerous practices still goes on. The schools aimed at, the young fish, the reef structures, marine plants and especially coral polyps are all destroyed and some of the target fish are so macerated as to be unmarketable.

There is a close season on Sea Eggs one of the popular delicacies which were so plentiful around the reefs of Barbados that it became one of the species incorporated in the national nickname. But people kept gathering the Sea Eggs whenever they chose without allowing them a chance to spawn and regenerate the species. Now the once plentiful and cheap Sea Egg, a rich source of much needed protein, has become an expensive rarity even in the official reaping season which stretches from September to March.

Barbadians of a generation ago also remember when lobsters

and crabs were plentiful. All one needed was a length of sturdy wire to make a barbed hook and a short wade on any reef would reward one with a good size lobster or a couple of crabs which could be roasted directly on the beach or taken home to be prepared into some more sophisticated meal for the family table. Now lobsters and crabs have virtually disappeared from the reefs of Barbados because of over fishing and the killing of small specimens.

Barbadians also set fish traps (fishpots) made of meshwire. The catches in these have also diminished. One reason is the meshes are too fine and do not allow small fish to escape hopefully to mature and replenish the stocks around the coasts. A limit should be set on the size of mesh permissible in fish traps so that mature fish which enter them will be captured and the young may swim out again to mature.

The fate of the lobsters and crabs was shared by the octopus (Sea Cat) for the same reasons — anyone could get a piece of wire and pull them out of the crannies in the reefs with no reprieve for small ones.

If the Barbadian pattern of "action" about conservation runs true to form, there will be a flurry of patrols and appeals for a week or two and then the few remaining turtles and eggs will be destroyed.

It need not be so, because we have been frequently told that conservation is a matter of survival. It has also been repeatedly demonstrated that disaster follows neglect or misuse of the environment. We should be intelligent enough to act in our own self-interest. Let us hope that we do so this time.

DEFORESTATION PROBLEMS IN COUNTRY NOTED

Forest Director's Views

Santo Domingo LISTIN DIARIO 27 Apr 83 pp 1, 10

[Text] The Forestry Director, speaking yesterday to a group of businessmen about the situation of the country's forests, called it "dramatic," characterized by the indiscriminate cutting of trees by peasants and others who "are trying to make money from the wood trade."

General Reading Cesar Kunhardt Hernandez said that the deforestation observed throughout the national territory "is a serious problem."

According to a report sent to this paper, the forestry director met with directors of the National Council of Businessmen [CNHE] and described to them the current status of the country's wooded areas.

"The devastation that has occurred, is occurring and will continue if no limits are set is something indescribable," he added.

The forestry official spoke before the Executive Committee of Businessmen at their invitation, and said that he had information on what he described as "a tragedy," involving thousands of peasants who every day are destroying the remaining national forests, since they do not have any means of subsistence other than mining coal or selling wood.

The Forestry Director said that the Dominican Government is working hard on a reforestation plan designed to preserve the country's forests and develop them for the benefit of present and future generations.

Kunhardt Hernandez added that the government intends to mount "an extensive campaign to make the people aware of the importance of the forests, using the press, radio and television, as well as easily understandable, non-destructible posters."

He also announced that there are currently two official committees working on a project to amend the Forestry Law, so as to provide for the rational management and exploitation of the country's forests, with sufficient incentives to encourage the interest of the private sector in something that could be profitable, according to technicians.

The official indicated that activities to achieve the government's goal and prevent the ecological deterioration and destruction of the nation's forests were being coordinated with the church, the higher echelons of the military and the Secretariat of Education.

The National Council of Businessmen confirmed their wish to cooperate with the public sector in the national reforestation campaign, a project that "all Dominicans" should participate in, according to General Kunhart Hernandez.

In his visit to the CNHE, the forestry director was accompanied by Guillermo Basilis and Pedrito Bencosme, forestry engineers.

The meeting held in the CNHE's Conference Room was chaired by Engineer Mario Cabrera, vice-president of the businessmen's group.

During their discussions, they agreed to hold later meetings to coordinate efforts to protect and increase the nation's forests.

#### President's Concerns

Santo Domingo LISTIN DIARIO in Spanish 1 May 83 p 1

[Article by Maximo Manuel Perez]

[Text] Yesterday President Salvador Jorge Blanco expressed his concern over the deforestation of the National Park of Los Haitises and asked various government agencies to draft a plan to resolve this situation.

Jorge Blanco, accompanied by military leaders and forestry experts, flew over the area of Los Haitises, a national forest reserve.

After the inspection tour, the president gave a press conference in the National Palace for the newsmen who had accompanied him on the flight.

He instructed the technical secretary in the Office of the President, as chairman of the Technical Forestry Commission, General Cesar Reading Kunhardt, forestry director, and the national director of the parks to meet and formulate the measures that should be adopted to prevent the deforestation of Los Haitises and to reforest the devastated areas.

Jorge Blanco also announced that he would appoint Enrique Armenteros and Eduardo Fernandez Pichardo to the Technical Forestry Commission.

Both business executives accompanied Jorge Blanco on his inspection tour yesterday.

Jorge Blanco stated that an extensive deforested area of the National Park of Los Haitises needs to be replanted, and that measures must be adopted to preserve the vegetation.

For the first time since he took office last 16 August, President Jorge Blanco boarded a helicopter of the Dominican Armed Forces. Three helicopters were waiting for Jorge Blanco in the community of Gonzalo, in Sabana Grande de Boya, to take him from there to Sabana de la Mar and later over the wooded area of the National Park of Los Haitises.

The President flew over the zone, accompanied by his wife, Asela Mera de Jorge, Lieutenant General Ramiro Matos Gonzalez, secretary of the Armed Forces, Ramon Alburquerque, technical secretary in the office of the president, and other civilian and military officials.

Jorge Blanco said that the zone of the Los Haitises is a very important area for the country's ecological balance, although it is not very well known in the country.

He pointed out that yesterday was the first time that he had had an opportunity to have a general, panoramic view of this area.

He said that he was able to observe that a part of Los Haitises located near the community of Sabana de la Mar is "substantially deforested," but that the mountainous areas are still intact, with all their vegetation.

Referring to the mountainous section in this extensive zone, President Jorge Blanco said that "it is important to take steps to maintain this part."

He also indicated that he would try to implement a series of measures to begin reforesting the area that has been destroyed by the migrant peasants and their crops.

He said that Los Haitises has beautiful scenery.

He indicated that the coast next to Sabana de la Mar has an inlet which is intensively fished and which also looks very promising for tourism.

"It is very pretty," the head of state said.

Jorge Blanco said that in view of the fact that the Day of the Tree was drawing near, he recommended to the Technical Forestry Commission and the forestry and national park leaders that they hold a meeting to study and propose specific measures to preserve Los Haitises.

He added that they should also re-evaluate the general steps that had been taken and should be taken to preserve the nation's forests.

President Jorge Blanco was asked if he felt it was necessary to declare Los Haitises a disaster area and he answered that a step of that sort had to be considered carefully.

He recalled that Los Haitises was declared a forest reserve zone a few years ago and "what is important now is to preserve this reserve."

The president began his tour at 7:20 am when he left the National Palace. At 8:00 he arrived at the Guanuma police station and 20 minutes later he arrived in the community of El Cacique, where he spoke with Francia Elena Sanchez, a campesina. In the village of Boya, President Jorge Blanco asked about the health of Florentino Reyes, a friend of his from that town, and he was told that Mr Reyes had recently passed away. The President then expressed his condolences to his widow, Leonida Oliva Reyes. He was also briefly in the catholic church in the village and later conversed with the PRD leader, Saturnino Duran.

At 9:00 am, Jorge Blanco and his party arrived at the village of Sabana Grande de Boya, where they visited the national police post.

On leaving the police station, he greeted a group of people nearby.

Jorge Blanco then arrived at the district of Gonzalo, where the people requested an extension of the electrical lines. He granted their request and gave instructions along these lines to the manager of the Dominican Electricity Corporation, Engineer Marcelo Jorge.

Jorge Blanco and his party boarded the helicopters at 9:30 am and arrived in Sabana de la Mar at 10:00. They then flew over the Los Haitises zone.

The chief of state was also accompanied by the following: Major Generals Manuel Antonio Lachapelle Suero, head of the National Army and Fernando E. Cruz Mendez, head of the Dominican Armed Forces; Vice Admiral Arturo Bordas Betances, head of the Navy; engineer Pedro Delgado Malagon, secretary of public works; General Reading Cesar Kunhardt, forestry director; General Ramon de Jesus Rodriguez Landestoy, head of the Corps of Military Adjutants; Engineer Alexis Espinal, head of planning for the executive branch; Dr Eduardo Fernandez, former governor of the Central Bank; and, Mr Enrique Armenteros and other officials.

9805

CSO: 5000/2026

## DROUGHT LEAVES 300,000 WITHOUT WATER

Mexico City UNOMASUNO in Spanish 26 Apr 83 p 27

[Article by Marco A. Mares]

[Text] More than 300,000 persons in the 16 political delegations of the Federal District are totally devoid of water, and there are more than 4,000 cases of liquid loss which is being indiscriminately wasted in 732 carwashes, 400 clubs and 430 public baths, besides being misused in residential areas, parks and gardens.

The lack of water gets worse during the dry season. The temperatures that have been registered in this city in the past few days have reached and even surpassed 30 degrees Celsius, consequently the water level of the aquifers supplying the capital has dropped.

The main political delegations most affected by the lack of water each year are nine: Venustiano Carranza, Gustavo A. Madero, Iztapalapa, Alvaro Obregon, Tlalpan, Contreras, Coyoacan, Atzacapotzalco and Miguel Hidalgo. The largest amount of industrial consumption of water takes place at the last two locations.

According to DDF [Federal District Department] reports, 30,000 industries in the Federal District get 16 percent of the total supply, 120,000 commercial establishments use up 14 percent, and services account for a similar percentage.

In accordance with estimates of CONAMUP representative Salvador Espinoza Salgado, there are a little more than 4,000 water leaks in the Federal District that the water and sanitation workers of the DDF Hydraulic Operation and Construction Department have not managed to repair, while hundreds of families, he added, become easy prey of authorized and clandestine distributors who use their tank vehicles for profit, selling the liter of water at 1-1.5 pesos.

In some places, the supply is fiercely contested by consumers who pay even more to obtain "a few liters of water." This happens mainly in the areas bordering the state of Mexico and on the high lands, where there are scores of irregular settlements.

8414

CSO: 5000/2028

FEDERAL DISTRICT REFORESTATION TO INCLUDE PARKS, GARDENS

Mexico City UNOMASUNO in Spanish 26 Apr 83 p 23

[Text] The Federal District Department (DDF) announced yesterday a forestry program that includes the planting of 15 million trees, restoration of the Chapultepec Forest, and the sanitation and reforestation of the parkways of the Paseo de la Reforma and a stretch of Insurgentes Avenue. The army and personnel of the Agriculture and Water Resources Secretariat (SARH), as well as of the 16 political delegations of the Federal District, will take part in the program.

The department reported that the planting of trees will be affected between 15 June and 15 September in order to take advantage of the rainy season. Conifers (pine, white cedar and eucalyptus) will be planted in woody areas and hills of rural or semirural delegations such as Milpa Alta, Tlahuac, Alvaro Obregon, Cuajimalpa, Xochimilco, Miguel Hidalgo, Iztapalapa and Gustavo A. Madero. Plantings in the rest of the delegations will be made in parks, gardens and parkways, using wax trees, cedars, liquidambers and acacias.

Regarding the restoration of Chapultepec Forest, the DDF noted that the work will be started in October and will concentrate on the first section, with the application of insecticides, fungicides and fertilizers. Withered or badly infested species will be removed, and special attention will be given to the millenarian Montezuma cypresses. Some 250,000 trees of the white cedar and ash species will be planted there in the summer of 1984.

The DDF pointed out that army personnel will plant 5 million saplings; SARH personnel, 1 million; personnel of the 16 political delegations with the help of neighbors and civic and services organizations, 4 million; and personnel of the Federal District Farming Development Coordinating Commission (CCDA), 5 million.

The restoration work in the Paseo de la Reforma, according to the department, will be started on 2 May. It will consist of prunings, removal of withered trees and replacement with full-grown trees, and fixing the landscaping with the planting of bushes and flowers. Some 300 workers will be eventually contracted under the employment program to take part in this task, working from Constituyentes Avenue to Peralvillo Square. With three work shifts, including Saturdays and Sundays, it is expected that the reforestation of the Paseo de la Reforma will be completed by September.



The department finally reported that this forestry program will not represent an extraordinary expenditure for the capital's government because it will be carried out with the work force of the Federal District CCDA and with trees and plants of its own nurseries, such as those of Nezahualcoyotl, Xochimilco and Yecapixtla.

8414

CSO: 5000/2028

EXPLORATION OF ENERGY SOURCES THREATENS ECOLOGY OF TROPICS

Mexico City UNOMASUNO in Spanish 25 Apr 83 p 7.

[Article by Mario Garcia Sordo]

[Text] The humid tropics, which constitute 23 percent of the national territory, are going through their worst crisis because of progressive disturbance of the ecology by the excessive and improper use of energy, according to experts investigating the problem.

Manuel Contijoch Escontria, coordinator of the Integrated Rural Development Program for the Humid Tropics (PRODERITH), has reported that due to these changes, traditional farm production systems have entered a period of stagnation, which 5.3 million hectares of land in the area remaining undercultivated.

Despite technical backwardness, he said, the humid tropics account for 25 percent of the nation's corn production, 34 percent of the rice, 13 percent of the beans, 65 percent of the sugar, 24.5 percent of all meat and 100 percent of the country's cacao, coffee and henequen, meaning that their preservation and development are vitally important.

Nevertheless, for researcher Silva del Amo, the humid tropics, with 46 million hectares, are characterized by slow and inefficient incorporation of biological resources into the country's development because of the absence of centers of scientific, technological and industrial development.

He added that the zone, which supplies 24 percent of the gross national product, is erroneously considered suitable for settlement with farming and livestock-raising aims in mind. "In most cases, there is a long history of irrational and abusive working of tropical woods."

In addition, administration of the region, where ecosystems are especially fragile, has been marked by an attempt to implant technologies suited to temperate regions, "which has resulted in the resounding failures of development programs in such zones.

"The tropical jungle is not an insurpassable barrier for development, but the only option for such areas cannot be limited to the destruction of local flora and fauna for the purpose of establishing conventional cultivation systems."

He added: "In most cases, tropical soils are suitable for forest-type use but not for farming. We cannot allow development to put an end to biotic resources, destroying the potential of the ecosystem all at once."

In addition, he stated that one cannot continue to blame nomadic agriculture for the ecological and economic disaster of tropical zones because Indian populations usually make intelligent use of the soil.

Consequently, he said that the ecological disaster and underexploitation of tropical zones is fundamentally due to poorly planned development programs, "which have improvised the opening of great areas for settlement, a product of ignorance and corruption on the part of private parties as well as government authorities involved in such programs."

Contijoch Escontria revealed data exposing the crisis affecting Mexican rural areas. In the past 20 years, the percentage of the population involved in agriculture has dropped from 37.2 to 20, while the service sector has risen from 32.1 to 40.5 percent.

In the humid tropics, the expert said, the greatest nuclear-electrical energy resources are found, along with the largest deposits of oil and gas in the country, whose use in recent years "has meant major modifications in the environment."

"Despite the growth achieved in some sectors," he stressed, "the humid tropical region is now one of the areas of the least relative development in the country. It has some 16 million inhabitants, of which 64.4 percent are under the age of 25 and 50 percent are in rural zones."

He stated that a change can be observed in consumption habits of the lower-income groups, "with generally unfavorable results for the diet and family spending." Full-time and decently paying jobs and services are lacking.

There is also the problem of formal ownership of the land, on the one hand, and its proper use, on the other. The farmer clears land for farming, but in medium-range terms, the beneficiaries are livestock breeders.

11,464  
CSO: 5000/2027

## FACTORIES POLLUTE AIR, TRY PRESSURING RESIDENTS INTO MOVING

Mexico City EXCELSIOR in Spanish 25 Apr 83 pp 5, 27

[Article by Jacinto Noe Hernandez]

[Text] A half dozen industrial polluters have caused silicosis in some 20,000 residents of the town of San Juan Ixhuatepec, near the Indios Verdes hills, by releasing toxic mineral waste into the air over a 2-kilometer area.

The owners of the firms are putting pressure on and threatening settlers in order to make them move from the area, which they consider an industrial zone and which they want to use for industrial expansion.

Dozens of settlers have complained to various administrative offices and authorities, but those sent to confirm the pollution, along with municipal and state authorities, have been bribed by the industry owners to cover up any irregularities.

Residents say they are the real owners of the land because they have lived their for years. Company owners warn: "We have money and we can do what we want, including buying off officials and killing you, because this is an industrial area," one group of settlers reported.

In documents signed by residents, headed by the Barron Reyes, Maldonado Quintero, Pinon Zuniga, Cortes, Garcia and Jimenez Martinez families, the first report on the problem of pollution of the area by a number of foundries, chemical and metal-processing companies was sent in 1981 to the then mayor of San Juan Ixhuatepec, Manuel Nogal Elorza, who told them to take their complaint to Tlalnepantla public health officials.

The municipal public health official, Jose C. Angeles, sent report 417-81 to the alderman of the sector in Tlalnepantla, Armando Martinez Jimenez, who received the report from the settlers headed by Jorge Barron Reyes, and ordered them to present more proof of pollution.

The settlers also said that the owners of the main polluter, Altzairu Foundries, Inc. (formerly Cuchillas y Gavilanes), located on Galeana and Vicente Guerrero, had threatened to kill residents if they accused him of polluting with mineral waste.

Residents showed samples of the contaminants, as well as documents signed by centers of research on mineralogy, pollution of the environment and pharmacy, from institutions such as the Polytechnical Institute of Mexico, the Autonomous National University of Mexico and the Office of Undersecretary for Improvement of the Environment.

Samples of dust released by the firms were sent for analysis to the mineralogy center of the Advanced School of Chemical and Industrial Extraction Engineering (ESIQUE) and the National Polytechnical Institute, where they were analyzed by engineer Irma Figueroa. In report 028-81, it is stated that the samples contained residue of quartz, accompanied by magnetic metal particles. There are also smaller quantities of feldspars and clay, iron oxides and particles of volcanic glass, which, if inhaled over long periods of time, can eventually be fatal.

Dr Armando P. Baez, head of the Center of Environmental Contamination of the the Autonomous National University of Mexico, said "there is indeed an abundance of silica in the samples, plus iron and copper particles which, when released into the air, are highly toxic and obviously cause the miner's disease known as silicosis."

Settlers told the owner of Altzairu of the problems they suffer because of pollution caused by his facilities, which release mineral waste into the air and dump waste in the streets, but the owner, whose name is not known, told us that it is the residents who should leave because money can do anything and that he could do what he wanted.

"It was impossible to approach him or talk with him," residents said. "He only threatened us."

In a tour of the area and through talks with residents, it was observed that the area, which has no urban or social services or paved streets, has many children, like any other large colony. Those children suffer from maladies of the throat and stomach and have constant hemorrhages.

There are other foundries such as the Ixhuatepec Machine Industries, which store coal, frames and scrap iron, in addition to raw material left piled up in the streets and vacant lots.

Others, such as Beta Sections on Calle Jacinto Canek, have very poor facilities and are lacking in any type of industrial safety. The workers, numbering about 20, are only half protected because they receive the red-hot frames with only tongs. When the sections leave the foundry machines or forge, they gleam red-hot on the ground, sometimes as far as the middle of the street, where both children and adults pass by, in danger of being burned by the pieces. Other firms dump chemical substances such as ammonia and chlorates and ferrous materials into the street.

At social welfare centers such as Social Security Clinic 76 and the Secretariat of Health and Assistance (SSA) Health Center near La Villa, officials, who did not want to give their names, said that every day, men, women and children come in with nosebleeds, bleeding of the throat and respiratory ailments such as tuberculosis.

# GOVERNMENT TAKES STEPS AGAINST MARINE POLLUTION

Dhaka THE BANGLADESH TIMES in English 29 Apr 83 p 1

[Excerpt]

CHITTAGONG, April 28:— The DCMLA Rear Admiral M.A. Khan said here today that the government was taking necessary steps for a suitable legislation and administrative measures to combat the threat to the national economy due to large-scale marine pollution, reports BSS.

Addressing as chief guest at the concluding session of the 5-day national workshop on marine pollution, prevention, control and response at the Jaldia Hillside Marine Academy auditorium, the DCMLA said that Bangladesh is maritime country and marine pollution adversely damages the Sea resources.

Admiral Khan maintained that if proper measures were not taken the country's fishing wealth would suffer due to pollution not only from oil and oily substances but also from uncontrolled garbage, chemicals and radioactive materials.

Referring to the awareness of the present government about the continued marine pollution and its consequent adverse effect, the DCMLA said that to find ways and means to control this menace, the government has already set up an environment pollution control department under the Ministry of Local Government.

The government in its national policy has accorded very high priority to control and combat pollution normal or accidental, he added.

Admiral Khan observed that, although our resources were limited we could not ignore the menace of marine pollution as we are not very far off from major tanker routes from Arabian Gulf to Japan. Any major oil spill would threaten the coasts of several countries of the region and it would be difficult for our country to deal with pollution alone, he said, adding that a regional co-operation had become therefore necessary to combat such a situation.

In this connection Admiral Khan said that menace of marine pollution is universal in nature and calls for united and concerted action on the part of all governments and agencies.

The DCMLA said that Bangladesh flag ship would be made to comply with all the technical requirement to minimise risk of pollution. "We are determined not to allow our ships to pollute the marine environment anywhere nor allow any foreign ship to do so in and around Bangladesh", he asserted.

CSO: 5000/7040

IMPACT OF HIGH DAM ON ENVIRONMENT ASSESSED

Cairo AL-AHRAM in Arabic 12 Apr 83 p 9

[Article by 'Adil Shafiq: "Side Effects of the High Dam; Ministry of Irrigation Has Prepared a Study"]

[Text] Egypt participated in the meeting, which was organized by the United Nations, the World Environmental Organization and the government of China, to study the side effects of irrigation and drainage projects.

Engineer 'Abd-al-Hadi Samahah, the minister of irrigation, explained that the High Dam was chosen among four international projects to be a model for the study of the side effects of dams. At this meeting, Egypt submitted a study about the most important side effects of the High Dam and how they were dealt with.

Dr Muhammad Abu Zayd, head of the Center for Irrigation Studies, said that a periodic program was being carried out to learn the type of water in the High Dam's lake, its sedimentation, the extent of annual evaporation, the changes in temperature and humidity in the area, and the development of water plants and fish life.

The following are some of the most important results obtained:

With respect to alluvial sedimentation in the lake: It is evident that most of the sediment is in the area located south of the dam, about 300 kms from the body of the dam itself. This is at variance with what was expected before. Studies have proved that the age of the lake, based on its alluvial mud, is more than 1,000 years old instead of 500. This is the estimated time based on the extent of the alluvial sediment to the maximum permissible amount of 31 billion tons of the total volume of the lake, which amounts to 162 billion cubic meters. Currently, work is underway probing the depth of the water and the type of floating and bottom sediment. Studies have shown that the quality of water in the dam's lake has only changed very slightly.

With respect to the salinity of the Nile's water, studies have shown that salinity fluctuates between 175 and 230 parts in a million following construction of the High Dam. Before its construction, salinity varied between 120 and 260 parts per million.

The extent of daily evaporation from the lake fluctuates between 3 and 10 millimeters which produces a negligible change in degrees of temperature and humidity in the area surrounding the lake.

As for the river, it is some 60 centimeters at the Isna barrages, 70 centimeters at Naj' Hammadi and 55 centimeters at Asyut. These numbers are considerably less than all the previous expectations.

With regard to studies of the underground water, results have proven that the volume of losses from the High Dam lake are still within the bounds of the previous losses, in view of the nature of the land strata of the lake. The rising of the underground water level in the Delta and Wadi al-Nil is the result of expansion in continuous irrigation and wastefulness in the use of irrigation water.

The Effect of the Dam on Soil Fertility: Dr Muhammad Abu Zayd said that studies have made it clear that 88 percent of the alluvial soil that comes to Egypt has been draining into the Mediterranean during the floods. The amount of potassium that reaches Egyptian soil through the floods, together with the alluvium, is estimated at 6,000 tons, phosphorous at 7,000 tons and nitrogen at 17,000 tons. These are meager amounts if they are compared to the plants' fertilizer requirements, which have risen in terms of rates of usage in the various crops.

The Center for Irrigation Studies has prepared a working paper on the strategy of developing the Nile River.

7005

CSO: 5000/4612



## OFFICIAL SPEAKS AT DELHI SEMINAR ON POLLUTION CONTROL

New Delhi PATRIOT in English 6 May 83 p 10

[Text]

The Government would shortly re-examine the act for prevention and control of water pollution with a view to combating pollution more effectively, said Deputy Minister for Environment Digvijay Singh on Thursday.

Inaugurating a seminar on Pollution Control, organised by the regional board of the All-India Manufacturers Organisation Mr Singh said that the aim of re-examining the 1974 act was to make for a more effective control of pollution in the country.

Mr Singh also appealed to the industry to take the initiative in implementing pollution control measures. He pointed out that the Government was providing several incentives to enable them to set up treatment plants.

Referring to the pollution of the river water in Delhi, the Minister said the problem had reached proportions that called for increasing efforts for a co-ordinated pollution control programme by the local bodies.

Encouraged by the Minister's announcement for a review of the act, re-examination of all the regulations pertaining to pollution—including the Air Pollution Act and the Water Cess Act of 1977—in order to make them "more practical", emerged as one of the important suggestions at the seminar.

Another suggestion was that while the Government should force large industrial units to instal treatment plants, in the case of small industry, it should subsidise the costs through the

local civic body.

Representatives of the AIMO, however, demanded that small scale units which did not discharge a sizable or lethal quantity of effluents should be exempted from the law. In respect with other units, they suggested a phased implementation of the rules through which in the first five years only the major polluters would be identified and made to conform.

The overwhelming reaction of the industry representatives, mainly from the small scale sector in Haryana, who were attending the seminar, was that they were being put to unnecessary harassment by the local pollution control board officials.

## WATER CESS ACT

The Water Cess Act also came in for ridicule. Participants pointed out that the categories of industry laid down in it were wide and confusing. For example, a watch component manufacturer pointed out, there was no specific reference to his industry in the act.

Secretary of the Central Board for the Prevention and Control of Water Pollution G D Aggarwal said that the Board had prepared a detailed schedule of industries under the Cess Act, but the Government had been considering it for the past two years.

Mr Aggarwal stressed the need to have private industry representatives on the board so that the private sector could also be involved in the efforts to fight pollution.

# PROTECTING NATURAL RESOURCES OF KAMCHATKA

Moscow PRAVDA in Russian 19 Apr 83 p 3

[Article by A. Aglarova, chief project engineer, candidate of Geographic Sciences, Petropavlovsk-Kamchatskiy-Leningrad]

[Excerpt] Of course the natural uniqueness of Kamchatka Oblast requires special methods of managing farms, of very strict and scrupulous performance of well-considered measures of natural conservation. Traditional methods which have justified themselves in other regions often are not suitable for Kamchatka.

In 1980 the Leningrad State Institute of City Planning prepared "Scheme of Regional Planning of Kamchatka Oblast." The main content of this document was a determination of the paths of development of the oblast on the basis of harmonic combination of interests of branches of the national economy with consideration of the specifics of the habitat during obligatory protection of natural complexes.

The basis of the national economy of Kamchatka is now the catching and processing of fish. The significance of the remaining branches is negligible. Connected with this weak territorial planning organization of the oblast. On the peninsula there is no developed system of settlement or ramified network of ground transport communications, or large industrial centers apart from the city Petropavlovsk-Kamchatkiy.

A unique feature of the fish industry is that the catch is taken in regions of the ocean far from Kamchatka. The fish are processed on the vessels and, bypassing the territory of the oblast, shipped to the continent. Only a very modest volume of the catch and processing of salmon have been linked with the local fish factories and fish kolkhozes. Therefore the solution of questions about the organization of Kamchatka, its settlement, the creation of a network of well-built roads, of inhabited points--of all the elements mainly called the "infrastructure"--is not determined by the network of coastal fishing production facilities.

The lumber industry is situated in the northern part of the valley of the river Kamchatka, in the region of "Conifer Island." At first, logging industry organizations gravitated toward floatable rivers and did not leave behind any

modern hard surface roads or numerous well built settlements. In the long term, however, taking into consideration the state and natural uniqueness of the raw material base, it was necessary to sharply decrease the volumes of cutting and processing wood,--a maximum of 300-400 thousand cubic meters per year instead of the present 600 thousand cut in the region of "Conifer Island." That is the level of the requirements of the oblast itself. Consequently that branch cannot stimulate the economic development of Kamchatka.

The peninsula is promising for many types of minerals, and, geological survey work here would be worth conducting more intensively. In discussing the possibilities of development of the mining industry, however, one cannot forget what ecological consequences this can cause. Mining enterprises have always been classed among those dangerous to nature. The extraction and concentration of nonferrous metal ores and also of oil are especially so. Under the conditions of Kamchatka in each specific case measures for nature protection and capital investments for it must be considered the main item of all plans, bases and estimates worked up for enterprises of the oblast. The technology must be selected with consideration of the vulnerability of the local environment.

Oil is the main theme as regards Kamchatka. Geological survey work of recent years has revealed on the western coast of the peninsula several promising structures. In one of the drilled wells oil has been obtained. There are grounds for assuming that in the next few years deposits having industrial value can be opened. But before "emptying the gin from the bottle" it is necessary to thoroughly think out and weigh everything.

The protection of nature against the effects of enterprises engaged in the extraction of minerals is a complex and costly matter, but still is technically possible. Petroleum extraction is a different matter. In spite of nature preservation measures available in the contemporary stage, oil run-offs--surface or with ground waters--still enter the rivers. Salmon are especially sensitive to the purity of bodies of water. Meanwhile, promising oil-and-gas bearing structures are situated in most cases in very productive fish zones. The development of oil extraction on Kamchatka can lead to undesirable consequences. Therefore it is necessary to carefully study the problem, to clearly respond to the main question: what will the country obtain in the case of oil extraction on Kamchatka and what will it lose? Only after that can a decision be made.

Examined in the same light in the scheme of regional planning is the problem of power engineering. The needs of the oblast for electric power can be covered by the new Mutnovskaya geothermal station. The use of the internal heat of the earth also inflicts very little damage on the environment.

It is necessary to approach with special care the construction of hydroelectric power stations on Kamchatka. Large hydraulic engineering structures often cause serious ecological destruction on a large territory. The interests of power engineering and fishing are very difficult to combine. It seems that it is not necessary to be oriented toward the construction of a GES in the most productive salmon and fishing regions and on territories both available and designated nature conservation zones for the long term.

Thus for Kamchatka Oblast the composition of priority, applicable or inapplicable branches has been determined. Among the priority branches obviously are the catching and processing of salmon. In placing industrial production facilities and selecting the technology for them we assume that in no case would harm be inflicted on the salmon economy.

Specialists of the Kamchatka department of the Pacific Ocean Scientific Research Institute of the Fishing Industry and Oceanography have established that in the best years the catch of salmon on Kamchatka reached 350,000 tons. This is equivalent to a million head of cattle. It is not a simple matter to raise such a herd. Salmon also reproduce themselves. It is necessary only not to spoil the first-existing purity of Kamchatka rivers, the water of which is weakly mineralized and cold--it has very little capacity for self-purification.

The scheme of regional planning is a complex document which concentrates also recommendations on the preservation of nature. The placement of productive forces on the territory of Kamchatka Oblast must be done with obligatory consideration of them. It is necessary to do everything to preserve unique natural resources.

The planners propose creating here several reservations and national parks and considerably expanding the network of game refuges. Today the only one here, the Kropotskiy reservation and already organized game refuges, including named zones of spawning rivers, all told, occupy 20 percent of the territory of Kamchatka. In implementing the planned proposals it is planned to approximately double the total area of all nature conservation territories. Of course this will involve certain economic and organizational difficulties. Therefore the boundaries of nature conservation zones, the character of the regime, the possibility of use for agriculture and hunting and forest operations have to be determined more precisely and scientifically substantiated by appropriate competent scientific organizations. In addition, study of the natural possibilities of Kamchatka will give a basis for considering its territory to be very promising for active tourism and recreation of the population.

Further study of Kamchatka natural complexes, determination of the regime of economic mastering of separate rayons of the oblast and effective monitoring of the conditions of the environment require, in my opinion, general leadership and observance on the part of central organizations and the USSR Academy of Sciences.

The scheme of regional planning of Kamchatka Oblast has been coordinated with interested departments, examined by the RSFSR Gosstroy and approved by the Kamchatka oblispolkom. Now this is an obligatory document. On the basis of it specific questions of the disposition and development of the productive forces of the peninsula are to be solved. It is competent, with consideration of both local interests and the needs of the national economy of the country.

2174

CSO: 5000/100

## BRIEFS

COMBATING EROSION OF VOLGA RIVER SHORELINE--After creation of the cascade of electric power stations on the Volga, artificial seas formed. They flooded extensive territories for hundreds of kilometers. And what has appeared instead? Only in enormous "saucers," placed under the sun for evaporation, have poplars and willows been planted. And even that was not always thought out. The winds drive the waves and win ever newer hectares of plowed fields, meadows and pastures and silt up plants and the mouths of small rivers. A similar picture can frequently be observed from Kostroma to Gorodets, which is higher than Cheboksary, and in the regions of Kuybyshev, Kazan, Saratov and Volgograd. To combat beach erosion, slow down the melting of snows and the accumulation of moisture, a need has grown for the planting of trees in gullies and ravines close to the main river bed. They not only reinforce slopes, eliminate run-offs of clay and the productive layer during spring and in downpours, but also provide fish--ides, carp, roaches, *Aspius aspius*--food. In the 11th 5-Year Plan in Gorkiy Oblast such plantings have been made on an area of 2400 hectares. Still more of them have been added in droughty Volgograd Oblast and in the middle course of the Volga. However, on the whole the scales of the work are extremely modest, and little attention is turned to them. Plantings are being made basically by the leskhoz forces, that is, through state capital investments. However, very perceptible aid could be provided by industrial enterprises, sovkhozes and kolkhozes. Needed is the initiative of societies for nature conservation, with the active support of local Soviets of Peoples' Deputies. It is difficult to underestimate the value of dams on Volga tributaries. Now a number of small rivers have been partitioned in Borsk and other rayons of Gorkiy Oblast. In them the fish are 5-7 times larger than they were. They have become fuller of water and richer after the Malaya and Bol'shaya Kazanka dams were built on the Volgograd and some small rivers in Yaroslavl and Ulyanov Oblasts. In the weekly there has been a detailed discussion of the construction of dams and the forestation of gullies on the kolkhoz "Leninskaya Iskra" of the Chuvash ASSR. There almost all the work was done by their own forces. Why would it not be a good example to follow in all rayons of Bol'shoye Povol'zhye, to organize between farms oblasts and autonomous republics an effective competition to transform the shoreline zone and introduce exemplary order in all large and small sources feeding a powerful river? It is thought that this is not the last word for the social committee for protection of the Volga. [By V. Kopylov, section chief, Upper Volga Basin Inspection of Rosminvodkhoz, and S. Potapov, deputy chairman, Volgograd Oblast Society for Preservation of Nature] [Excerpt] [Moscow EKONOMICHESKAYA GAZETA in Russian No 15, Apr 83, p 19] 2174

ACTIONS OF COMMITTEE FOR PROTECTION OF VOLGA--The Volga is one of the earth's largest rivers and the largest river in Europe. It is 3690 kilometers long. Twenty-four million people now live in the Volga basin. Now the Volga basin is being transformed also into the largest region of irrigation farming. It is natural that all this involves an increase in the water requirements. The Volga, however, scientists have found, will not be able to satisfy this demand, even in the not-distant future, unless suitable measures are adopted. How is the valuable Volga water to be more rationally used? How is it to be protected against contamination? How are the flora and fauna to be guarded against the noxious effect of industrial waste? The Committee for the Volga, created in 1969 upon the initiative of the community, concerns itself with this and other questions. Included in it are representative of all Povol'zhye Oblasts and autonomous republics: scientists and specialists and activists of the All-Russian Society for the Protection of Nature. Under the constant monitoring of the Committee is the course of accomplishment of measures to prevent contamination of the basins of the Volga and Ural rivers. There already have been shifts in that direction: in the last 10 years the level of contamination of the Volga with petroleum products has been reduced by half and the volume of the circulating water supply has been increased 1.5 times. The Committee actively propagandizes the establishing of water preservation zones of small rivers of the Volga basin, that is, the territory of strict limitation of economic activity. Such a decision, in particular, has been adopted by the Kuybyshev oblispolkom. Within the limits of the riparian zones of small rivers it is forbidden to plow land, pasture cattle, construct enterprises and apply toxic chemicals and fertilizers, etc. We could cite still more problems we are concerned with. And each of them must be solved today. [By O. Konovalenko, chairman of the Committee for the Volga] [Text] [Moscow SEL'SKAYA ZHIZN' in Russian 17 Apr 83 p 4] 2174

FACTS, FIGURES ON ENVIRONMENTAL PROTECTION--Moscow 1 June TASS--Follows a selection of facts and figures characterizing the state of environmental protection in the USSR. In 1983 it is planned to spend from the state budget 8,000 million roubles on environmental protection in the USSR. In the past five-year plan period (1976-1980), a total of 26,000 million roubles were spent on these aims. Observation of atmospheric pollution is carried out in 450 cities and industrial centres of the Soviet Union, with more than 1,000 stationary and 500 mobile control posts taking part in this work. It is planned to establish forest belts on an area of 50 thousand hectares. In 1983, more than 130 thousand hectares of depleted soil will be returned for use in forestry and agriculture due to recultivation. [Excerpt] [LD011359 Moscow TASS in English 1105 GMT 1 Jun 83]

CSO: 5000 /129

LACK OF ENFORCEMENT OF ENVIRONMENTAL LAWS

Hamburg DER SPIEGEL in German 23 May 83 pp 27-29

[Text] Environmental laws are proving not to be the tough weapon to combat environmental pollution that those who put them on the books promised it would be. An empirical study has found that only a small portion of all environmental offenses actually gets punished. There are few accusations and even fewer sentences. Spectacular big industry cases rarely wind up in court because of the difficulties in proving actual wrongdoing. What trials there are concern "minor offenses almost exclusively."

For years, rain had washed the lead out of damaged car batteries into the sandy ground where a Hamburg businessman had stored them on his firm's property in Schleswig-Holstein. Closeby, there was a source of drinking water. Not too long ago, a court of lay assessors in Bad Segeberg slapped a DM 7,200 fine on the man for "continued and severe environmental pollution."

The Fulda district court levied a DM 15,000 fine on a manufacturer of carbonated beverages for polluting a brook with dirty water from a bottling plant. And a Frankfurt car owner was fined DM 2,250 for "disposal of hazardous wastes." To save money on an oil change, the man had jacked up his car in the open country and let the oil run out onto the ground.

The authorities are now engaged in a large-scale effort to catch offenders and the courts are getting busier all the time. Over the past decade, known environmental offenses have almost tripled. In 1973, there were 2,321 and in 1982, there were more than 6,000.

But those cases that do wind up in court are rarely spectacular although there actually is no dearth of these. There was a case against the Hoechst AG management for having dumped more than 30,000 tons of hydrochloric acid and 1,500 tons of sodium hydroxide into the Main river between 1977 and 1980. But the Frankfurt state prosecutor's office dropped the case during the investigation stage because of "minimal evidence of guilt."

For dumping cyanide, chromium, nickel, zinc and cadmium into the municipal sewage system, a Frankfurt electroplater received a 6-month suspended sentence. As for him, he has "the strong impression that they are crucifying the little guy and letting the big ones go."

In fact, the existing laws are not being used—as the legislators intended—to punish "offenses which are hazardous to the community and the environment." Instead, they are used to punish "minor infractions almost exclusively," as Nuremberg lawyers Margret Huembs-Krusche and Matthias Krusche have found.

The man-and-wife lawyer team conducted a 4-year empirical study which indicates for the first time ever that officially registered environmental offenses present a distorted image of grim realities, taking in only the more harmless aspects of environmental damage.

The two lawyers looked into 1,718 cases brought by 29 West German state prosecutors, listing offenses, offenders and legal assessments. They found that all cases involved "minor crimes comparable to traffic violations and shoplifting."

Most of the environmental damage is legal anyway. Smoke from factory chimneys; auto emissions; untreated waste flowing into rivers and lakes—all these types of pollutants are governed by liberal administrative laws and ordinances.

But whether the permissible limits are actually being complied with is hard to tell most of the time because there is a lack of both control personnel and metering equipment; because the powers of the different Laender authorities tend to vary, and because the officials themselves seem quite prepared to compromise on the regulations when issuing permits.

"In all those instances where the regulations are not strict enough to do the job," Peter Menke-Glueckert, the long-time head of the ecology department of the interior ministry in Bonn said, "the penal code must be applied." But that code is of only limited help.

Industrial firms which pollute water, air or soil almost never run afoul of the legal system. "The investigation of 'responsibility for environmental offenses' turns out to be far more difficult in the case of large firms than in the case of businesses with a less complex structure," the authors of the Nuremberg study have found.

The law has an easier time in prosecuting craftsmen, farmers, small businessmen and private individuals. Thus, the authorities would rather institute proceedings against some farmer for "unlawfully dumping 30 loads of rotten hay" or against some distiller who has dumped prune mash into a brook.



"Whether or not an offense is prosecuted," the two lawyers state, "depends on the visibility of the offense; on the likelihood that guilt can be established; on the difficulties in obtaining evidence and the readiness of suspects to testify and/or confess to the infraction."

Oil cases head the environmental offenses hit list with 58.4 percent. Be it bilge from the engine room being pumped into the sea by a ship captain or fuel leaking out of a defective heating plant or gasoline dripping from a junked automobile—all such instances of pollution leave visible traces behind.

The second most common offense (11 percent) concerns the dumping of animal wastes and agricultural sewage. The authorities do not have a difficult time proving such offenses because in most cases the smell gives them away. Air pollution (2.8 percent) and the dumping of industrial wastes (1.5 percent) are toward the bottom of the list, however.

Based on an OECD estimate, the damage done by emissions alone accounts for three to five percent of GNP. In the case of the FRG, this amounts to a loss of between DM 40 and DM 70 billion annually.

"Both the number and extent of actually prosecuted cases of environmental damage is exceedingly small," the Nuremberg researchers have found. In only 15 percent of the cases, a money value was attached to the damage done. In the main, they concerned insignificant "damage to auto paint" or comparatively minor "injuries to health, particularly nausea and vomiting." In only one case did the researchers come up with a six-figure damage estimate (of DM 250,000) for "injuries to health and vegetation caused by a toxic cloud."

But there was another case, of a baker which the two lawyers thought "almost grotesque." The baker "had burned cardboard boxes and paper in a garbage can not knowing that he needed a license to operate an emission control facility."

The discrepancy between enormous damage going unpunished while minimal offenses are prosecuted was further evidenced in the area of water pollution through oil.

Each year, the Rhine river boatmen dump about 10,000 tons of oil wastes into the stream. But in the files the two Nuremberg lawyers found only five instances over the past 4 years where oil spills were prosecuted—involving more than 20,000 liters of oil being dumped into German rivers and lakes. The worst such case involved 200,000 liters of oil which had drained out of the defective heating plant of a small business firm.

Conversely, however, "police investigations were instituted even in cases where an individual worker carelessly upset an oil can thereby permitting one-quarter liter of oil to flow in to a harbor basin."

As for big industry generally, "it is represented by only a few isolated cases despite its high potential for pollution." One state prosecutor even went so far as to say there were "no big cases at all."

Of the 1,718 cases examined overall, 114 (6.64 percent) resulted in an actual sentence. In almost all cases there were fines; in only one single case was there a 3-month suspended jail term.

The "exceptional character" of this particular sentence would seem to point to "an exceedingly serious infraction of environmental regulations." But this is not the case at all. According to the verdict, the culprit, a part-time farmer, had dumped "several kegs full of calf manure" on a meadow from which it drained into a river.

The authors of the study also called the highest fine of DM 32,000 an "absolute exception." In most cases, the fines amounted to hundreds of Marks—with three-quarters of them below DM 1,000.

This maximum fine, too, was not levied against a particularly bad case of pollution. The culprit in this instance, a manufacturer of chipboard, had equipped five presses with high-frequency electric heating units without official permission and thereby increased daily production from the authorized level of 800 tons to 1,100 tons.

In 1979, the then SPD minister of justice, Hans-Jochen Vogel had stipulated that criminal proceedings should be instituted as the ultimate weapon, "the last resort" against particularly stubborn violators. Taking a sober look at the vaunted tool, the Nuremberg couple calls it the "last resort of helplessness."

To be sure, the study only includes cases which were tried between 1976 and 1979—which is to say prior to 1 July 1980 when environmental offenses became part of the criminal code.

But this does not alter the basic findings. All the regulations previously scattered through the legislation on water, emissions and waste disposal have since been incorporated in the criminal code almost verbatim and/or with minor expansions. Those who know say that the primary "shortcomings" in the environmental code were not overcome "by merely changing lawbooks, increasing penalties and providing for more exact descriptions of possible offenses."

Above all, the limits of the law have by no means ever been reached. It really makes no difference whether the maximum sentence is 3 years or 5 years, if the stiffest sentence ever given was a 6-month suspended jail term.

As long as state prosecutors and judges are not prepared "to make use of their sentencing authority under the environmental laws—also applying these to members of the board of large corporations for example—then even legal reforms would not turn environmental regulations into 'genuine justice,'" was the way the working group of social democratic jurists put it as early as in 1972.

And in its 1978 report, the council of environmental experts also took note of "shortcomings in the law as applied by the emission control authorities for example." The main criticism voiced was that cases were dropped "too often" by prosecuting attorneys; that the prosecutors and judges did not have "the requisite expertise" to assess complex ecological issues; that "the demands placed on the presentation of evidence were too high, and that "sentences were too lenient."

The commission recommended that "further juridical and sociological research be done" on the conduct of cases involving fines and jail terms "in order to determine the justification for the criticism voiced by the authorities."

In their study, Margret Huembs-Krusche and Matthias Krusche refer back to this recommendation although their study does assign responsibility for the lack of effectiveness of the environmental regulations in a different manner. The very authorities, they say, that should be most critical toward potential offenders are those who did least about prosecuting them.

Of the 1,718 cases they looked into, 1,137 were initiated by the police. In 374 instances, private individuals had reported the infraction to the authorities and in only 207 instances did the authorities themselves initiate the proceedings.

In the authors' view, this points to "a lack of control intensity on the part of these administrative units." Furthermore, they say, the major part of the official indictments did not even originate with the departments concerned—such as the small business and water regulatory agencies—but with general administrative departments. "It appears," the Krusches say, that the official regulators preferred "cooperation to confrontation" in their dealings with their clientele.

The authors therefore call for making it incumbent on the environmental authorities to level charges in the case of infractions and for punishing those officials who deal with environmental violations in an excessively liberal fashion. This is the only way, they believe, in which "any sort of control could be exercised over large-scale polluters" and in which the "false image that crimes against the environment are perpetrated by small-scale polluters and private individuals" might be destroyed.